United Nations CRC/C/NDL/CO/4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fourth periodic report of the Netherlands*

I. Introduction

1. The Committee considered the fourth periodic report of the Kingdom of Netherlands (CRC/C/NDL/4) at its 2003rd and 2005th meetings (see CRC/C/SR.2003 and 2005), held on 27 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

2. The Committee welcomes the submission of the fourth periodic report of the State party (CRC/C/NDL/4) and the written replies to the list of issues (CRC/C/NDL/Q/4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the ratification of/accession to:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2009;

(b) The Optional Protocol to the Convention against Torture, in 2010;

(c) The European Convention on the Adoption of Children (Revised), in 2012;

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* Adopted by the Committee at its sixty-ninth session (18 May-5 June 2015).

[1] Please note that the following terms have been used in the present document:

"The Kingdom of the Netherlands" refers to the Netherlands, Aruba, Curacao and St Maarten;
"The Netherlands" refers to the European Netherlands and the Caribbean Netherlands;
"The Caribbean Netherlands" refers to the municipalities of Bonaire, St. Eustatius and Saba;
"The Caribbean parts of the Kingdom" refers to the Netherlands in the Caribbean (municipalities of Bonaire, St. Eustatius and Saba) as well as Aruba, Curacao and St Maarten.

(d) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2010; and

(e) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2010.

4. The Committee also notes with appreciation the adoption of the following legislative measures:

(a) Youth Act of 1 January 2015;

(b) Appropriate Education Act of 1 August 2014;

(c) Adolescent Criminal Law of 1 April 2014;

(d) Review of the policy on unaccompanied minors on 1 June 2013, amending the Aliens Decree of 2000 and Modern Migration Policy Decree, providing residence permit for unaccompanied minors on the basis of "no fault policy"; and

(e) Compulsory Education Act of Aruba of 1 December 2012.

5. The Committee also welcomes, among others, the following institutional and policy measures:

(a) Establishment of youth inspectorate desks on 1 January 2015;

(b) Establishment of youth care and rehabilitation centre in St Maarten on 20 December 2014;

(c) Adoption of the Children's Rights Action Plan on 20 November 2014;

(d) Creation of the Task Force on Child Abuse and Sexual Abuse on 31 August 2013; and

(e) Adoption of the Children Safe Action Plan in 2012 (2012-2016).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2009 (CRC/C/NDL/CO/3) that have not been implemented or not sufficiently implemented and, in particular, those related to reservations, data collection, dissemination, training and awareness raising, best interests of the child, right to life, survival and development, respect for the views of the child and administration of juvenile justice.**

Reservations

7. **The Committee, in line with its previous recommendations (CRC/C/NDL/CO/3 of 2009, para.11) and in the light of the 1993 Vienna Declaration and Programme of Action, encourages the State party to consider withdrawing its reservations to articles 26, 37 (c) and 40 of the Convention.**

Comprehensive policy and strategy

8. The Committee notes the adoption of several action plans in the area of children's rights in each of the four countries of the State party as well as the adoption of the Kingdom wide Action Plan on Children's Rights in 2014. The Committee, however, regrets the lack of information about the content of the Kingdom wide Action Plan and mechanisms for its implementation throughout the Kingdom.

9. **The Committee encourages the State party to:**

(a) Ensure that both national and Kingdom wide action plans aimed at the promotion and protection of children's rights are provided with sufficient human, technical and financial resources;

(b) Ensure that its Kingdom wide policies and plans on children's rights are equally applied in all its four countries;

(c) Establish effective mechanisms for monitoring and assessment of the implementation of its plans and policies throughout the Kingdom;

(d) Provide information about the results of such assessments in its next periodic report.

Constitutional reform and coordination

10. The Committee notes that following the 2010 Constitutional reform, the Kingdom consists of four countries with equal status. It also notes the establishment of the Task Force in 2014 in order to promote cooperation on children's rights throughout the Kingdom, but regrets the lack of further information on mechanisms of coordination of activities in the area of children's rights and cooperation among different countries and at all levels throughout the Kingdom as well as the lack of evaluation of the efficiency of such coordination.

11. **The Committee urges the State party to ensure equal enjoyment of rights by all children in all four countries of the Kingdom. It recommends that the State party provide the Task Force on children's rights with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention throughout the Kingdom at national, municipal and local levels. The State party should ensure that the Task Force is provided with the necessary human, technical and financial resources for its effective operation**.

Decentralization

12. The Committee notes that under the 2015 Youth Act, municipal authorities of the Netherlands are responsible for services aimed at children. While noting that it is early to evaluate the impact of such decentralization process, the Committee is concerned that the process has been carried out under a time pressure which can affect the quality, timeliness and capacity of municipalities in fulfilling newly acquired tasks. It is also concerned that decentralization can create disparities in accessing services aimed at children among different municipalities.

13. **The Committee recommends that the State party ensure that the municipalities of the Netherlands, including the Caribbean municipalities (St Eustatius, Saba and Bonaire) have sufficient and appropriate capacity and resources to carry out their newly assigned tasks in a timely manner without a negative impact on the quality and quantity of services aimed at children. It also urges the State party to ensure that children in all municipalities, including in Caribbean municipalities, have equal access to quality services that are provided in accordance with appropriate standards**.

Allocation of resources

14. The Committee is concerned about significant cutbacks in the State party's budget that affect families and children living with minimum income. It is also concerned that with the decentralization of child care services in the Netherlands, resources aimed at children will be used at the discretion of municipalities which can thus create unequal access to such resources by children in different municipalities.

15. **In the light of its Day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party ensure that the cutbacks in its budget do not adversely affect the rights of children, in particular children in marginalized and disadvantaged situations. The Committee also recommends that the State party establish a central mechanism to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources and services provided to children throughout the Kingdom.**

Data collection

16. The Committee notes that the Statistics Netherlands collects data related to children's situation and that the State party carried out numerous studies and compiled databases focusing on children. The Committee is however concerned that data on some areas of children's rights, in particular with respect to child maltreatment, youth care, children with HIV/AIDs and children in street situations, children in conflict with the law, foreign children, sexual exploitation and trafficking are either not complete or not up to date and that there is no central system to regularly collect data with both qualitative and quantitative indicators in all areas of children's rights throughout the Kingdom. The Committee regrets the lack of information on data collection in Aruba, Curaçao and St Maarten.

17 **In the light of its General comment No. 5 (2003) on general measures of implementation, the Committee reiterates its recommendation to the State party to expeditiously improve its data collection system. The data should include both qualitative and quantitative indicators and cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators should be collected from all countries of the Kingdom and be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention**.

Independent monitoring

18. The Committee welcomes the establishment of the Children's Ombudsman in 2011 and the Institute for Human Rights in 2012 in the Netherlands as well as the establishment of Children's Rights Committee in Aruba. The Committee is however concerned about the lack of independent monitoring mechanisms in Curaçao and St Maarten.

19. **In the light of its General comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party take measures to expeditiously establish an independent mechanisms for monitoring realisation of children's rights in Curaçao and St Maarten, which can receive, investigate and address complaints by children in a child-sensitive manner in accordance with the Paris Principles.**

Dissemination and awareness-raising

20. The Committee is concerned that there is insufficient knowledge of the Convention and its Protocols among policy makers, the general public and children throughout the Kingdom. It also regrets that the Convention and its Optional Protocols are not part of the systematic awareness raising activities, such as school curricula.

21. **The Committee recommends that the State party take all necessary measures to provide systematic awareness raising activities, including campaigns on the content of the Convention and its Optional Protocols throughout the Kingdom and ensure that it is part of obligatory curricula in all schools**.

Children's rights and the business sector

22. The Committee notes that the State party has commissioned an investigation into the risks for people and environment in Dutch business activities. However, it remains concerned about the activities of some Dutch businesses abroad that cause adverse effects on the enjoyment of the rights of children in numerous countries. It is particularly concerned about the reports that companies under the State party's jurisdiction which are involved in processing, trading or financing of palm oil and soy production contribute to deforestations and land grabbing practices in a number of countries violating the rights of indigenous children to livelihood. The Committee is also concerned about the reports of violations of the rights of children in oil extracting industry in Nigeria and the Barro Blanco Dam construction in Panama.

23. **In the light of its general comment No. 16 (2013) on the impact of the business sector on children's rights, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:**

(a) Establish a clear regulatory framework for the industries under the State party's jurisdiction to ensure that their activities both at home and abroad do not negatively affect human rights or endanger environmental and other standards, especially those relating to children's;

(b) Ensure effective implementation by companies, especially oil extracting and palm oil and soy trading companies, as well as financial institutions, of international and national environmental and health standards, effective monitoring of implementation of these standards and appropriately sanctioning and providing remedies when violations occur, as well as ensure that appropriate international certification is sought;

(c) Require companies and financial institutions to undertake assessments, consultations, and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts; and

(d) Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

24. The Committee welcomes the Municipal Anti-Discrimination Services Act, which allows citizens to address reports of discrimination to local Anti-Discrimination Services. However, it is concerned that children in marginalized and disadvantaged situations such as refugee children, asylum seeking children, undocumented children, children belonging to ethnic minority groups, children with disabilities, chronically ill children and LGBTI children continue to face discrimination. The Committee is also concerned that children in the Caribbean part of the Kingdom do not enjoy the same rights as children in the European Netherlands.

25. **The Committee recommends that the State party take all necessary measures to ensure that all children under the State party's jurisdiction enjoy the same rights without any discrimination on the basis of their nationality, residency status, ethnicity, identity, health, disability, sexual identity and orientation throughout the Kingdom. It urges the State party to pay particular attention to children in the Caribbean part of the Kingdom who do not have access to the same rights as children in the European Netherlands.**

Best interests of the child

26. The Committee is concerned that despite some positive efforts, there is a lack of sufficient understanding of the right of the child to have his or her best interests taken into account as a primary consideration, in particular by judges and other professionals working for and with children.

27. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

28. Although there have been only five cases of euthanasia on children so far and that all cases involved terminally-ill cancer patients with no prospects of treatment, the Committee remains concerned that euthanasia can be applied to patients under 18 years of age. The Committee is also concerned about the insufficient transparency and oversight of the practice.

29. **The Committee recommends that the State party:**

(a) Ensure strong control of the practice of euthanasia towards underage patients;

(b) Ensure that the psychological status of the child and parents or guardians requesting termination of life are seriously taken into consideration when determining whether to grant the request;

(c) Ensure that all cases of euthanasia towards underage patients are reported, and particularly included into annual reports of the regional assessment committees, and given the fullest possible overview; and

(d) Consider the possibility of abolishing the use of euthanasia towards patients under 18 years of age.

Respect for the views of the child

30. The Committee notes the appointment of ad litem guardians to children in court proceedings. Nevertheless, it is concerned about the limited opportunities for children to participate in decisions and policies that affect them, especially in the Caribbean part of the Kingdom.

31. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) Develop toolkits for public consultation on national policy development to standardize such consultation at a high level of inclusiveness and participation, including consulting with children on issues that affect them;

(b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations; and

(c) Institutionalize the children’s Parliaments throughout the Kingdom as a regular event and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children’s effective engagement with national legislative processes on issues that affect them.

C. Civil rights and freedoms (arts. 7, 8, and 13-17)

Statelessness and nationality

32. The Committee welcomes that the State party is in the process of amending the Nationality Act in order to extend the access to Dutch citizenship for stateless children born in the Netherlands without a legal residence permit. However, it notes that the proposed amendments do not extend such right to children whose parents did not cooperate with the State party’s authorities.

33. **The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. In particular, it recommends the State party not to adopt the proposed requirement of parents’ cooperation with the authorities.**

Right to identity

34. The Committee is concerned about the establishment of so called “baby-boxes” that allow anonymous abandonment of children in violation of, inter alia, the right of the child to know his or her origin, even though, as stated by the State party, no newborn has been placed in the “baby-boxes” so far.

35. **The Committee urges the State party to undertake all measures necessary to end the “Baby Box” initiatives as soon as possible and instead strengthen and promote alternatives, in order to prevent unwanted pregnancies and child abandonment, particularly by improving family planning services, counselling and social support for unplanned pregnancies. The Committee also recommends that the State party**

consider introducing, as a measure of last resort, the possibility of confidential hospital births.

D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)

Freedom of the child from all forms of violence including corporal punishment

36. The Committee welcomes the State party's efforts aimed at combatting child violence and abuse, but is concerned about:

(a) The increasing number of incidents related to child maltreatment, in particular neglect of children and domestic violence, including witnessing domestic violence;

(b) Sexual abuse of children in residential institutions and foster care, in particular abuse of children with mental health conditions ;

(c) Insufficient reporting of child maltreatment by professionals working for and with children;

(d) Insufficient preventive measures in municipal policies and insufficient support and care for children victims of violence and maltreatment;

(e) Absence of legal provisions expressly prohibiting corporal punishment in all settings, including at home, in Aruba; and

(f) Absence of legal provisions prohibiting corporal punishment of children in the home, alternative care settings, day care and schools in the Caribbean Netherlands.

37. **In the light of its General comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) Strengthen its efforts to prevent violence, in particular neglect and domestic violence, including witnessing such violence, investigate all cases, prosecute the alleged perpetrators, punish the convicted and adequately compensate and rehabilitate the victims;

(b) Ensure access of all children, including children with mental health conditions, to justice, including by providing legal support and making available child-friendly and confidential complaint mechanisms in residential care and mental health institutions, foster care systems and any other relevant settings;

(c) Adopt and implement relevant guidelines, protocols and referral mechanisms to protect the rights of child victims or witnesses of violence, and train professionals working for and with children to identify such victims and witnesses as well as use the reporting code, including the so called child check;

(d) Ensure the availability and quality of prevention, protection, access to justice, rehabilitation and reintegration programmes, including health services and psychosocial support, free helplines and adequate shelters for victims; and

(e) Ensure that the State party's legislation addresses all forms of violence, explicitly prohibits corporal punishment in all settings and includes measures to raise awareness of positive, non-violent and participatory forms of child-rearing throughout the Kingdom, in particular in Aruba as well as in the Caribbean Netherlands.

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

38. The Committee is concerned that, despite some improvements, the number of placements of children in institutions remains high. It is also concerned about the shortage of suitable foster families and substitute family homes, especially for children aged 10 and older, siblings and children with immigrant background, as well as frequent transferrals of children in foster home system. The Committee is further concerned about the lack of structural follow up to children who leave care institutions and foster homes.

39. **Drawing the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) Facilitate family-based care for children wherever possible, and develop a system of foster care for children, who cannot stay with their families, with a view to reducing the institutionalization of children;

(b) Provide incentives and encourage foster families to provide opportunities for children who are aged 10 and older, children with immigrant background and for siblings to live in family environment;

(c) Take measures to prevent frequent transferral of children in the foster care system as well as ensure periodic review of the placement of children and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children; and

(d) Ensure that children leaving institutions and foster care system are provided with sufficient education, skills and opportunities for independent living.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

40. The Committee notes the Inclusive Education Act of 1 August 2014, which requires schools to offer each child a suitable place at school. Nevertheless it is concerned that:

(a) Even if under the Inclusive Education Act schools cannot turn a student down, it seems unclear in what school the child will be ultimately placed;

(b) A high number of children with disabilities or learning and behavioural difficulties have spent significant time out of school in earlier years and there is no information on the number in the present school year;

(c) With the shift of the duty of care to municipalities, even if the intention is for the care system to be flawless, it is not clear whether access to care for children with complex and multiple disabilities will be sufficiently available; and

(d) The reorganization of the payment from "personal budgets" has created bureaucratic problems and long delays in payments.

41. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) Ensure sufficient places for all children with disabilities in mainstream education system and provide access to inclusive education without delays;

(b) Prevent absenteeism of children with disabilities and learning and behavioural difficulties from schools;

(c) Ensure that decentralization of care for children does not have adverse impact on children with disabilities and reinforce the services provided by local authorities including early diagnostic care, access to specialist expertise, support and treatment for children with complex and multiple disabilities; and

(d) Ensure that payments from the "personal budgets" are carried out smoothly.

Health and health services

42. The Committee welcomes the State party's positive efforts aimed at improving children's health and promoting a healthy life style, particularly in the Caribbean part of the Kingdom. Nevertheless, the Committee is concerned about:

(a) High incidence of infant mortality in the State party;

(b) Significant numbers of overweight and obese children throughout the Kingdom;

(c) Limited access to health care services for children with low economic and/or social status; and

(d) Limited access to health care services for undocumented children.

43. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) Take measures to prevent infant mortality by providing effective and quality neonatal and other care services for infants throughout the Kingdom;

(b) Provide access to nutrition education and sufficiently nutritious food to all children in the State party in order to promote healthy eating habits;

(c) Ensure that all children in the State party have access to free of charge basic health care without limitations due to language; and

(d) Ensure that children without documentation have access to information on their rights, including their right to basic free health care.

Mental health

44. The Committee is seriously concerned about

(a) The reports that the number of children diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and Attention Deficit Disorder (ADD) has significantly increased;

(b) Overmedication of children with ADHD and ADD diagnosis with psycho-stimulant drugs, most of which have serious side-effects;

(c) Reports of wrongful diagnosis of children with ADHD or ADD and, their unnecessary medical treatment; and

(d) High rates of suicide among adolescent children.

45. **The Committee urges the State party to**

(a) Ensure that diagnosis of children with ADHD and ADD are thoroughly examined;

(b) Provide children diagnosed with ADHD and ADD and their parents and guardians with all necessary information about medical treatment and its possible side effects as well as consider non-medical treatment alternatives;

Undertake a study on the root causes of the significant increase in the ADHD and ADD

(c) diagnoses and on the effectiveness of the non-medical treatment of these diseases; and

(d) Undertake a study on the root causes of the increase in suicides among adolescent children and provide children at risk with easy access to necessary psychological care.

Adolescent health

46. The Committee is concerned that despite some improvements, the number of teenage pregnancies, especially in the Caribbean part of the Kingdom, remains high. It is also concerned that large numbers of children in the State party continue abusing of tobacco, alcohol and marijuana.

47. **In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections; and

(b) Address the incidence of drug, alcohol and tobacco use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.

Standard of living

48. The Committee is concerned about the substantial increase in poverty among children, in particular children in single parent families and children in welfare dependant families. It is also concerned that only few municipalities have adopted policies tackling poverty among children from such families.

49. **The Committee recommends that the State party take measures to ensure that children throughout the Kingdom benefit from poverty reduction policies without any discrimination, with a particular focus on children who are at risk of living in poverty such as single parent families and children in welfare dependant families.**

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

50. The Committee is concerned about:

(a) Inadequate training of teachers to address developmental differences among children;

(b) Significant drop-out of children from lower socio-economic background and single parent families from secondary schools;

(c) Lack of monitoring of the quality of home-schooling;

(d) Large numbers of children subjected to bullying in and around schools throughout the Kingdom; and

(e) Inadequate quality of pre-school and early childhood education especially in relation to language skills and children’s development.

51. **In the light of its General comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Take necessary measures to improve the quality of education, and provide quality training for teachers, in order to address differences in development among pupils appropriately;

(b) Take measures to address root causes of school drop-outs by adopting targeted policies to support and reinstate such children in the education system;

(c) Monitor the quality of home-schooling and ensure that such children do not lag behind their peers in regular schools;

(d) Strengthen its efforts to combat bullying in schools by effectively implementing its legislation and policies in this regard; and

(e) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

52. The Committee welcomes the decision of the State Secretary of September 2014 not to detain asylum seeking families with children in Schipol Airport and instead send them to the open central registration centre in Ter Apel. However the Committee is concerned about:

(a) The “eight-day procedure” aimed at speedy consideration of asylum applications thus placing constraints on procedural safeguards;

(b) Reports that inconsistencies in a child’s statement or between statements of a child and his or her siblings or parents during the interviews with immigration authorities may count against them without proper attention to the child’s developmental stage;

(c) Lack of adequate consideration for the best interests of the child in asylum cases and insufficient training of professionals dealing with asylum requests involving children;

(d) Poor conditions in asylum reception centers where children are not allowed to move freely and lack of monitoring of the reception of children and families; and

(e) Deportation of children in vulnerable situations to their countries of origin where they may end up in orphanages.

53. **The Committee recommends that the State party:**

(a) Review its "eight day procedure" in order to ensure fair and efficient asylum procedures by guaranteeing that all procedural safeguards are observed and the international protection needs of asylum seeking children are duly identified and addressed;

(b) Ensure that examinations of asylum requests take into account the developmental stage of a child and that statements made by a child are not used against his or her case;

(c) Ensure that best interests of the child is taken as a primary consideration in all asylum cases involving children and provide appropriate training to the professionals dealing with such cases;

(d) Avoid detaining children and families in reception centers with limited freedom of movement and ensure that their living standards are adequate; and

(e) Take measures to prevent deportation of children to their countries of origin where they may end up in orphanages.

Economic exploitation, including child labour

54. The Committee is concerned about the large number of violations of child labour regulations with respect to working and resting time, hazardous work as well as the lack of sanctions against companies violating the regulations. It is also concerned that despite the age limit of 15 years for employment, many children of 12 years of age are reportedly involved in the labour market, in particular in hotels, restaurants, cafes, supermarkets and the agricultural and horticultural sectors.

55. **The Committee recommends that the State party strengthen the work of Labour Inspectorates in order to ensure the implementation of its labour regulations, in particular to ensure that children below the age of 18 years are not allowed in hazardous working conditions. The Committee also recommends that the State party apply sanctions against all the employers who failed to comply with the minimum age standards and other labour regulations related to children**.

Sale, trafficking and abduction

56. The Committee notes the State party's comprehensive action plan on the issue of "loverboys", but is concerned about the deficiencies in identification of children victims of "loverboys" and trafficking. In particular, it is concerned that the State party does not adequately address the protection of victims and there is a lack of cooperation among responsible agencies. The Committee is also concerned that child victims of trafficking may not benefit from the special residence scheme for victims of trafficking as such procedure is available only upon cooperation of the victim with the criminal proceedings against the trafficker, which places the child under great risk.

57. **The Committee recommends that the State party prioritize the needs of child victims of "loverboys" and trafficking and ensure that such victims are provided with protection and rehabilitation by establishing effective inter agency cooperation both at domestic and international levels. The Committee also recommends that child victims of trafficking should be entitled to special residency scheme regardless of their cooperation in criminal proceedings**.

Administration of juvenile justice

58. The Committee notes the adoption of the new Adolescent Criminal Law, but is seriously concerned that the law allows for children of 16 and 17 years of age to be prosecuted under the adult criminal law in cases where charges involve very grave offences

(homicide) and sent to serve their sentence in adult penitentiary institutions. It is also concerned that the PIJ (Plaatsing in een Inrichting voor Jeugdigen) treatment measures under the new law can imply deprivation of liberty of children aged 12 years and older in penitentiary institutions. Furthermore, the Committee is concerned about:

(a) Systematic detention of children in police custody for lengthy periods of time (up to 16 days);

(b) Absence of specific protocols for juvenile suspects in police cells, where they are detained in the same cell blocks as adults;

(c) Poor conditions in police cells and lack of monitoring on the conditions of detention of children;

(d) High numbers of children in pre-trial detention in judicial youth centers for lengthy periods of time;

(e) Absence of legal aid to children below the age of 12 years old who are interrogated by the police and to children who are suspected of committing minor offences;

(f) Insufficient training provided to the police and prosecutors on children's rights; and

(g) DNA testing of children in conflict with the law and difficulties in obtaining a certificate of good conduct for children with a criminal record.

59. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) Further amend the laws related to the juvenile justice system in order to ensure that all children below the age of 18 years are treated under the juvenile justice laws irrespective of the gravity of the charges pressed upon them;

(b) Review the application of PIJ measures and ensure that deprivation of liberty of any child below the age of 18 years be used as a measure of last resort only and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(c) Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible;

(d) In cases where detention is unavoidable, including in police custody, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

(e) Ensure that no child below the age of 18 years is held in adult penitentiary institution irrespective of the nature of convictions;

(f) Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;

(g) Provide regular and systematic training on children's rights to the police and prosecutor's offices; and

(h) Eliminate the practice of DNA testing of children in conflict with the law and erase the criminal record of children who are acquitted or have finished their sentence.

60. **To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

61. The Committee regrets that the State party's legislation does not yet fully prohibit the sale of children as defined in articles 2 and 3 of the Optional Protocol. Furthermore, the Committee is concerned that persons who download child pornography are rarely prosecuted and that child victims between the ages of 14 and 17 years are considered as physically mature and not a priority for investigation.

62. **The Committee recommends that the State party take measures to ensure that the State party amend its criminal legislation in order to reflect the definition of sale of children as in articles 2 and 3 of the Optional protocol. It also recommends that the State party take measures to investigate not only the producers of child pornography but also those who procure child pornographic materials and thus create a demand. Furthermore, the Committee recommends that all children below the age of 18 years are treated as child victims and benefit from child protection measures.**

I. Ratification of the Optional Protocol on a Communications Procedure

63. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

J. Ratification of international human rights instruments

64. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Convention on the Rights of Persons with Disabilities (CRPD).**

K. Cooperation with regional bodies

65. **The Committee recommends that the State party cooperate with the Council of Europe and the European Union on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe and the European Union member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

66. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fourth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

67. **The Committee invites the State party to submit its combined fifth and sixth periodic reports by 6 September 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

68. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).**